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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KEVIN VANDGINDEREN,

Plaintiff,

v.

CORNELL UNIVERSITY,

Defendant.

Case No. 07-CV-2045-BTM-JMA

Hon. Barry T. Moskowitz

DECLARATION OF ANNE
RICHARDSON KENNEY IN
SUPPORT OF DEFENDANT'S
REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
SPECIAL MOTION TO STRIKE
PLAINTIFF'S COMPLAINT
PURSUANT TO SECTION 425.16
OF THE CALIFORNIA CODE OF
CIVIL PROCEDURE

[Per chambers, no oral argument
unless requested by the Court]

[Special Motion to Strike and
Request for Judicial Notice filed
concurrently]

Hearing Date: December 21, 2007

Time: 11:00 a.m.

Place: Courtroom 15

Action Filed: October 1, 2007

DECLARATION OF ANNE RICHARDSON KENNEY IN SUPPORT OF REQUEST FOR
JUDICIAL NOTICE

DECLARATION OF ANNE RICHARDSON KENNEY

I, Anne Richardson Kenney, declare as follows:

1. I am the Interim University Librarian at Cornell University in Ithaca, New York, and I have held this position since February 2007. I have been employed by Cornell University for the past twenty years in various library capacities. Unless otherwise indicated, I have personal knowledge of the facts set forth herein through my employment at Cornell University. If called as a witness, I could and would testify competently to the following.

2. The mission of the Cornell University Library ("CUL") is to enrich the intellectual life of the University. CUL fulfills this mission in part by providing a stable and reliable knowledge base, organizing information into meaningful and manageable forms, making available well-equipped and functional work places on campus, and serving as a major cultural repository. Preservation of information resources is integral to CUL's mission.

3. With the advent of the Internet, and the availability of digitization as a means to archive material previously available only in paper form, CUL has engaged in multiple long-term projects to digitize information resources in its collection. Many of these digital materials are stored in CUL's institutional repository, known as eCommons.

4. One of the specific resources being digitized is a weekly University publication called the *Cornell Chronicle*. Paper copies of the *Cornell Chronicle* are maintained in CUL, where they have been maintained for years, and they are accessible to library patrons who are physically present on campus. The *Cornell Chronicle* has also been microfilmed, and is available to anyone who has access to a library that participates in the interlibrary loan system. Digitized copies of the *Cornell Chronicle* are accessible to anyone who has computer access to CUL's eCommons.

DECLARATION OF ANNE RICHARDSON KENNEY

